

1 RODGER R. COLE (CSB NO. 178865)
2 Email: rcole@fenwick.com
3 SAUNDRA L. M. RILEY (CSB NO. 218084)
4 Email: sriley@fenwick.com
5 FENWICK & WEST LLP
6 Silicon Valley Center
7 801 California Street
8 Mountain View, CA 94041
9 Telephone: (650) 988-8500
10 Facsimile: (650) 938-5200

11 Attorneys for Defendant
12 METAL WORLD INCORPORATED

E-filed 10/13/05

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SCHWAGER DAVIS, INC.,

Case No. C-05-02353 JF

16 Plaintiff,

17 v.
18 **STIPULATION AND
19 ORDER CONTINUING DATE OF CASE
20 MANAGEMENT CONFERENCE**

METAL WORLD, INCORPORATED and
DOES 1-50,

Judge: The Honorable Jeremy Fogel

Defendants.

Date of Filing: June 9, 2005
Trial Date: No Date Set

Pursuant to Northern District Civil Local Rules 6-1(b), 6-2, and 7-12, Plaintiff Schwager Davis, Inc. (“Plaintiff”) and Defendant Metal World Incorporated (“Defendant”), by and through their counsel of record, hereby stipulate as follows:

1. WHEREAS, Plaintiff filed its Complaint against Defendant in this Court on June 9, 2005;

2. WHEREAS, this matter is currently scheduled for a Case Management Conference on Friday, October 14, 2005;

25 3. WHEREAS, Defendant previously filed a statement of claim, on May 13, 2005,
26 against Plaintiff in the Supreme Court of Newfoundland and Labrador Trial Division entitled
27 *Metal World Incorporated v. Schwager Davis, Inc.*, Case 2005 01T No. 5610;

28

STIPULATION AND [PROPOSED] ORDER CONTINUING DATE OF CASE MANAGEMENT CONFERENCE –
CASE NO. C-05-02353 JF

1 4. WHEREAS, the parties have agreed, in principle, to a settlement of both lawsuits
2 and are in the process of finalizing a written settlement agreement; and

3 5. WHEREAS, the parties believe that resetting the date of the Case Management
4 Conference would allow them to finalize the settlement agreement and, thereby, obviate the need
5 for a Case Management Conference;

6 **THE PARTIES HEREBY STIPULATE** that the Case Management Conference
7 currently scheduled for Friday, October 14, 2005, be continued until and rescheduled for Friday
8 December 2, 2005 at 10:30 a.m.

9
10 Dated: October 12, 2005

McCRACKEN, BYERS & HAESLOOP, LLP

11
12 By: /S/

MARK HAESLOOP

13
14 Counsel for Plaintiff
15 SCHWAGER DAVIS, INC.

16 Dated: October 12, 2005

FENWICK & WEST LLP

17
18 By: /S/

SAUNDRA L. M. RILEY

19
20 Counsel for Defendant
21 METAL WORLD INCORPORATED

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
24 Dated: October 13, 2005

/s/electronic signature authorized

25
26 HONORABLE JEREMY FOGEL
United States District Court Judge
Northern District of California

Attestation

I, Saundra L. M. Riley, attest that I have obtained the physical signature of each of the other signatories to this stipulation, reflecting their concurrence in the filing of this document; and will maintain records to support this concurrence until one year after final resolution of this action.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct. Executed this 12th day of October, 2005 at Mountain View,
8 California.

Signature: /S/

Saundra L. M. Riley

Counsel for Defendant
METAL WORLD INCORPORATED

24834/00401/LIT/1238400.1